

FILED
CLERK

2/2/2016 12:10 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOSE MIGUEL REYES and ANDRES D.
REYES,

Plaintiffs,

-against-

TERRANOVA LANDSCAPES, INC. and
ERIC SEARLES, as individual,

Defendants.
-----X

FEUERSTEIN, J.

ORDER

14-CV-1690 (SJF)(ARL)

Before the Court is Magistrate Judge Arlene R. Lindsay's September 24, 2015 Report and Recommendation (the "Report") that the motion to strike the answer of Defendants, Terranova Landscapes, Inc. and Eric Searles ("Defendants"), be granted and that a default judgment be entered against Defendants. No objections to the Report have been filed. For the reasons stated below, the Court adopts the Report's recommendation that the motion to strike Defendants' answer be granted and rejects the Report's recommendation that default judgment be entered against Defendants.

Any portion of a report and recommendation on a dispositive matter to which a timely objection has been made is reviewed by the district court *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the

record. *See* Fed. R. Civ. P. 72(b); *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007), *aff'd*, 305 F. App'x 815 (2d Cir. Jan. 9, 2009); *Baptichon v. Nev. State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. Apr. 13, 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No objections to Magistrate Judge Lindsay's Report have been filed and the time to file objections has passed. For the reasons set forth in the Report, the motion to strike Defendants' answer is granted. However, the Report's recommendation that default judgment be entered against Defendants is rejected, and Plaintiffs are given leave to file a motion for a default judgment.

SO ORDERED.

s/ Sandra J. Feuerstein
Sandra J. Feuerstein
United States District Judge

Dated: February 2, 2016
Central Islip, New York